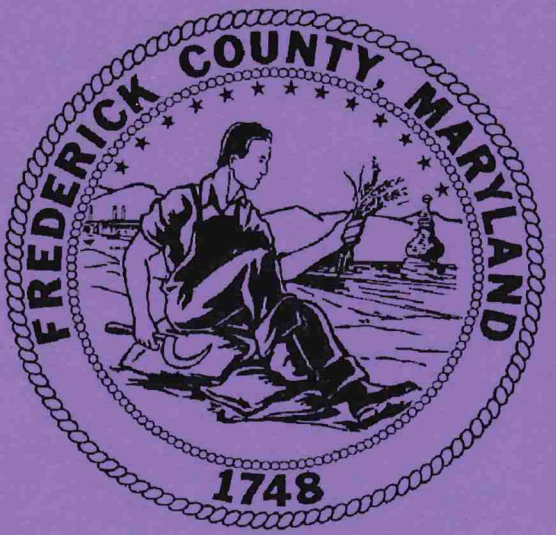
Frederick County

PERSONNEL RULES

Amended: October 3, 2013



Board of County Commissioners
Frederick County, Maryland

FREDERICK COUNTY PERSONNEL RULES

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ORDINANCE NO. 76-8-68

AN ORDINANCE ADOPTING PERSONNEL RULES

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that pursuant to Section 35A-6 of the Frederick County Code 1959, as amended, the Personnel Rules for Frederick County are hereby repealed and re-enacted, with amendments, to read as shown on the attached Rules.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect from the date of June 1, 1976.

The undersigned hereby certifies that the aforegoing Ordinance was approved and adopted on the 1st day of June, 1976.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

James L. Bryan
Administrative Assistant

By: Lawrence A Dorsey, Sr.
President

These Personnel Rules were amended on May 1, 1979 by Ordinance No. 79-9-135, and on May 20, 1980 by Ordinance No. 80-14-166

These Personnel Rules were amended on September 21, 1981 by Ordinance No. 81-27-217, and on June 1,1982 by Ordinance No. 82-8-252

These Personnel Rules were amended on February 5, 1985 by Ordinance No. 85-8-340, and on February 13, 1987 by Ordinance No. 87-1-433

These Personnel Rules were amended on June 21, 1988 by Ordinance No. 88-31-508, and on April 15, 1993 by Ordinance No. 93-07-071

These Personnel Rules were amended on November 9, 1993 by Ordinance No. 93-26-090, and on June 16, 1998 by Ordinance No. 98-17-219

These Personnel Rules were amended on July 27, 2000 by Ordinance No. 00-23-265, and on July 1, 2002 by Ordinance No. 02-16-312

These Personnel Rules were amended on March 4, 2004 by Ordinance No. 04-02-346

These Personnel Rules were amended on July 1, 2005 by Ordinance No. 05-17-378 and on September 1, 2005 by Ordinance No. 05.24.385

These Personnel Rules were amended on January 1, 2007 by Ordinance No. 06-36-432

These Personnel Rules were amended on June 2, 2011 by Ordinance No. 11-09-575. New Personnel Rules for Citizens Care and Rehabilitation Center and Montevue Assisted Living were adopted on June 2, 2011 by Ordinance No. 11-10-576

These Personnel Rules were amended on January 1, 2012 by Ordinance No. 11-27-593

These Personnel Rules were amended on October 3, 2013 by Ordinance No. 13-19-647

CHAPTER I

GENERAL PROVISIONS

Section 1 - Authority

These Personnel Rules do not limit the authority of the Board of County Commissioners or other appointing authority to regulate the competent and efficient operation and management of the Frederick County Government.

Section 2 - Purpose

The purpose of these rules is to establish procedures which will serve as a guide to administer action concerning the various personnel activities and transactions. They are intended to provide the most reasonable methods whereby the aims of the personnel program can be carried out.

Section 3 - Positions Covered

These rules shall cover all employees who are appointed or paid by the Board of County Commissioners on an hourly, weekly, monthly, or yearly rate except as otherwise provided herein (refer to Chapter IV).

Section 4 - Funding of Benefits

All benefits are subject to the allocation of funds by the Board of County Commissioners.

Section 5 - Administration

These rules shall be administered by the Director of Human Resources under the direction of the Board of County Commissioners.

Section 6 - Interpretation

These rules are intended to cover most personnel situations and actions for which the Board of County Commissioners is responsible. Those personnel situations and actions not specifically covered shall be handled by the Director of Human Resources in keeping with the intent and the objectives of these rules.

Section 7 - Authorized Representative

When an action is required by a person occupying any position referred to herein, in the absence of such person, his/her duly authorized representative may act. The term "Division Director" as used in these Personnel Rules where appropriate includes Division Directors, Department Heads, Agency Directors or the designee of any of these.

Section 8 - Publication and Distribution

These rules shall be published in booklet form and be made available to all County employees and their representatives.

Section 9 - Employees of Frederick County Sheriff's Office

All employees appointed by the Frederick County Sheriff are subject to these rules except as follows: a) these employees are not subject to Chapter III; Chapter IV, Section 3; Chapter VIII, Section 4; and Chapter X, Section 3; b) to

the extent the Law Enforcement Officers Bill of Rights (LEOBR) applies, LEOBR shall prevail; and c) to the extent that there is a funded collective bargaining agreement covering wages and benefits between the Sheriff and a certified labor organization, the collective bargaining agreement prevails as to those employees covered by the agreement. The Frederick County Sheriff's Office policies and procedures shall constitute the County Personnel regulations for those matters covered in subsection a (above). In all other respects these Personnel Rules shall apply to the employees appointed by the Sheriff.

Section 10 – Employees Covered by Collective Bargaining Agreements

For all employees covered by a collective bargaining agreement (other than those employees addressed in Section 9), the Frederick County Personnel Rules continue to apply except as specifically provided otherwise in the collective bargaining agreement.

Section 11 - Employees of Frederick County Public Libraries

Employees in the Frederick County Public Libraries (FCPL) system are under the authority of the FCPL Board of Trustees. FCPL has adopted the Frederick County Personnel Rules except where those rules conflict with state law relating to public libraries or with FCPL personnel procedures.

Section 12 - Employees of Frederick County State's Attorney Office

These rules do not apply to the employees appointed by the Frederick County State's Attorney except to the extent that the State's Attorney elects to have the rules apply or as otherwise required by law.

Section 13 - Employees of Citizens Care and Rehabilitation Center and Montevue Assisted Living

Employees of Citizens Care and Rehabilitation Center (Citizens or CCRC) and Montevue Assisted Living (Montevue or MAL) are under the authority of the Board of County Commissioners. Frederick County Personnel Rules were amended (Ordinance No. 11-09-575) and adopted (Ordinance No. 11-10-576) on June 2, 2011 resulting in modified personnel rules entitled "Frederick County Personnel Rules: Citizens Care and Rehabilitation Center and Montevue Assisted Living, Adopted: June 2, 2011". All CCRC/Montevue employees should reference this document which captures personnel rules specific to their employment. CCRC/Montevue employees are no longer subject to these Personnel Rules.

Section 14 - Directors

By separate resolution (Resolution 97-09 as amended from time to time), the Directors (as listed in that separate resolution) are not subject to Chapters VI, VII and IX of these rules.

Section 15 - Deputy Chiefs in the Division of Fire and Rescue Services

The Deputy Chiefs in the Division of Fire and Rescue Services are not subject to Chapters VI, VII and IX of these rules. The Deputy Chiefs serve at the pleasure of the Director of the Division of Fire and Rescue Services.

Section 16 - Employment of Relatives

An employee's relatives, as defined in this section, will not be employed by the County under any of the following circumstances:

A. Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
B. Where one of the parties would be directly responsible for auditing or evaluating the work of the other; or
C. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the County.

"Relatives" include an employee's parent, in-laws, child, dependent, spouse, brother and sister.

The effective date of this rule is July 1, 2005, and employees in jobs with relationships that conflict with this rule on the effective date will be permitted to continue working in those jobs and be grandfathered from this change. If the relationship between two employees changes after the effective date and puts them in one of the above listed circumstances, a decision about employment status will be made on a case-by-case basis.

Section 17 - Intra-Departmental Rules

A. Because of the varied nature of the many departments of the County, it may be necessary for a Division Director to establish specific intra-departmental rules necessary for the operation of that department and which may apply only to that department.
B. Such intra-departmental rules may be prepared and implemented by a Division Director but such rules must be in writing. A copy of such rules must be distributed to every employee of the department and be filed with the Director of Human Resources.
C. Intra-departmental rules may not conflict with the County Personnel Rules. If there is a conflict, County Personnel Rules prevail.

Section 18 - Board of County Commissioners Involvement

Except as allowed in Chapter IX or where the Board of County Commissioners is the direct appointing authority (i.e. employees under their direct supervision), the Board will not intervene in the hiring or promotional process, discipline or dismissal of Frederick County Government employees covered by these rules.

CHAPTER II

CLASSIFICATION PLAN[1]

Section 1 - Definitions

A. A position is a group of currently assigned duties and responsibilities requiring full-time or part-time employment of one person. A position may be occupied or vacant.

B. A class is a group of positions (or one position) that: (1) has similar duties and responsibilities; (2) requires like qualifications; and (3) can be equitably compensated by the same salary range.

C. A class title is the official designation of a position as stated in the class specification. It shall be used on all Human Resources records and actions.

Section 2 - Administration of the Classification Plan

The Director of Human Resources, under the direction of the Board of County Commissioners, is responsible for administering the Classification Plan. It is his/her duty to examine the nature of the positions as they are created and to allocate them to the existing class or create new classes; to make such changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions; and, periodically, to review the entire Classification Plan and recommend appropriate changes in allocations or in the Classification Plan.

Section 3 - Classification of New Positions

Whenever a new position is established or duties of an old position change, the Division Director shall submit in writing a comprehensive job description detailing the duties of such a position. The Director of Human Resources, with the approval of the County Manager, shall classify the position to one of the classes in the Classification Plan. If a suitable class does not exist, he/she shall recommend the establishment of a new class which must be approved by the County Manager, and then classify the position to it.

Section 4 - Classification Appeals

If an employee has facts which indicate that his/her position is improperly classified, the employee may request the Division Director to review the classification of the position and submit a request for reclassification. The Division Director may submit such a request in writing to the County Manager, through the Director of Human Resources, with a statement of justification. Such classifications shall continue in force until changed under the provisions of these rules.

[1] This Chapter does not apply to sworn personnel and uniformed corrections personnel employed by the Sheriff's Office or to bargaining unit personnel in the Division of Fire and Rescue Services.

Section 5 - Maintenance of Plan

A. Each time a new position is proposed to be established, a position description shall be completed by the Division Director and submitted to the Director of Human Resources for review. The Director of Human Resources shall submit his/her findings and recommendations to the County Manager for approval.

B. Each time a department or division is reorganized, position descriptions The Director of Human Resources may require departments/divisions or employees to submit position descriptions on a periodic basis or at any time there is reason to believe that there has been a change in the duties and responsibilities of one or more positions.

C. Each time a new class is established, a class specification shall be written and incorporated in the existing Plan. The class title shall be added to the Classification Plan. Likewise, an abolished class shall be deleted from the Classification Plan by removing the class specification and eliminating the class title.

D. Class specification descriptions shall be distributed to all Division Directors and be available upon request to employees and their representatives.

E. Class specification descriptions shall be distributed to all Division Directors and be available upon request to employees and their representatives.

Section 6 - Interpretation of Class Specifications

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes, such as the Administrative Specialist classes, the specifications for all classes should be reviewed as a unit.

Section 7 - Non-classified Positions and Employees

A. Due to the nature and conditions involving certain positions throughout the County government, it may be impractical to establish these positions as part of the regular Classification Plan as they apply to compensation and fringe benefits. These positions shall be known as non-classified positions and persons filling these positions shall be known as non-classified employees. Examples of such non-classified positions and employees may be persons working as Shelvers in the Library system, persons employed under a "work-study" or a "seasonal jobs" program, part-time employees, and emergency employees.

B. The Director of Human Resources shall maintain a description of "non-classified" positions as an addendum to the Classification Plan.

C. Non-classified employees shall be required to observe all Personnel Rules relating to employment the same as classified employees.

Section 8 - Official Copy of the Classification Plan

The Director of Human Resources shall be responsible for maintaining an official copy of the Classification Plan. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

CHAPTER III

COMPENSATION PLAN[2]

Section 1 - Composition

The salary schedules as adopted by the Board of County Commissioners as a part of the annual budgeting process shall constitute the grades and rates of pay for all classifications in the County Classification Plan and represent the rates of pay applicable to the positions for annual full-time employment based on the standard work week for those positions.

A. The rates of pay for "non-classified positions" are not a part of the Compensation Plan since these may vary between the minimum set by the Fair Labor Standards Act and the minimum of the Compensation Plan.
B. The rates of pay for "non-classified positions" shall be set by the Board of County Commissioners as part of the annual budgeting process.

Section 2 - New Appointees

A. Generally, a new employee shall be paid the minimum rate of pay for the class. Exceptions may be granted upon the prior approval of the Director of Human Resources, County Manager or Board of County Commissioners in the following cases:
    1. The minimum rate for each class is based upon the requirement that a new employee meets the minimum qualifications stated in the class specifications. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should begin at one or possibly two grades below the minimum rate of the class.
    2. If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher rate of pay. This practice should be used in emergencies only. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit the best qualified employee who will accept appointment at the minimum rate of the class.
B. All new employees are on probation during the first six (6) months of employment.[3] Termination may occur at any time during the probationary period. The probationary period may be extended for an additional time, not to exceed six (6) months, upon request from the Division Director and approval of the Director of Human Resources.

[2] This Chapter does not apply to sworn personnel and uniformed corrections personnel employed by the Sheriff's Office or to bargaining unit personnel in the Division of Fire and Rescue Services. Compensation for these positions are determined by the respective pay scales and associated provisions.

[3] The probationary period for certain positions as designated by the Sheriff in the Frederick County Sheriff's Office is 18 months. The probationary period for certain positions as designated by the Director of the Division of Fire and Rescue Services is 18 months.

Section 3 – Promotions

A. When an employee is promoted to a position in a higher grade, the employee's current rate of pay shall be increased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, if applicable, to a maximum promotion increase of 20%, or to the minimum of the new grade, whichever is higher. For example, if an employee is promoted from grade 8 to grade 9, the rate of pay would increase by 10% or to the minimum of the new grade, whichever is higher. If an employee is promoted from grade 8 to grade 12, the rate of pay would increase 20% (10% for the first grade, 7% for the second grade, and 3% for the additional grades) or to the minimum of the new grade, whichever is higher. However, the new rate of pay cannot exceed the maximum of the new grade.[4]

B. Whenever possible, regular employees working for Frederick County shall be considered for promotion for positions which become available. Outside applicants will be considered thereafter.

Section 4 - Upgrades

When an employee is promoted to a position in a higher grade due to meeting the requirements of service time, additional education and training, and satisfactory performance, these promotions shall be considered an upgrade. The employee's current rate of pay will be increased by 7.0% of that rate of pay, or will be increased to the minimum rate for the higher grade, whichever is higher.

Section 5 - Acting Capacity Pay

When an employee is temporarily assigned to perform duties of a position in a higher grade, the employee's current rate of pay shall be increased by 10% for the first grade, 7% for the second grade, and 3% for any additional grades, if applicable, to a maximum increase of 20%, or to the minimum of the new grade, whichever is higher. (See examples in Section 3A) This increase shall apply only to those temporary assignments which are to be at least thirty (30) days in duration and shall commence with the first full day of such employment. At the conclusion of the acting capacity assignment, the employee will return to the position from which he/she was assigned and to the rate of pay in effect prior to the assignment. The previous rate of pay will be adjusted to reflect annual increases and economic adjustments, if applicable. However, if the length of the acting capacity assignment exceeds twelve months, when the employee returns to his/her previous position, the rate of pay will be calculated as a voluntary demotion, as stated in Section 6B, or upon approval of the Board of County Commissioners, will return to the rate of pay in effect prior to the acting capacity assignment. If an employee is promoted to the position after serving in an acting capacity, the employee will retain the rate of pay in force while serving in an acting capacity. Acting capacity compensation shall be authorized by the Division Director and the Director of Human Resources.

[4] Section 3A does not apply to employees promoted from other County positions into the position of Deputy Sheriff with the Sheriff's Office. The rate of pay for these employees will be adjusted to equal the base of the grade for Deputy Sheriff. Refer to Chapter I, Section 9. Section 3A also does not apply to employees promoted from other County positions into the position of Fire Fighter Recruit. The rate of pay for these employees will be adjusted to equal the Fire Fighter Recruit rate of pay.

Section 6 - Demotions

When an employee is demoted to a position classified in a lower pay grade, or when an employee applies for a position classified in a lower pay grade and is approved, the employee shall be paid at a rate within the approved range for the new position in the lower pay grade.

A. Involuntary Demotion: In the case of a demotion for disciplinary reasons, the employee's current rate of pay will be reduced by the greater of 7% of that rate of pay for each reduction in grade up to a maximum of 14%, or the amount necessary to bring the rate to the maximum of the lower pay grade range. The new salary cannot fall below the minimum or above the maximum of the new grade. (Refer to Chapter VI, Section 3)

B. Voluntary Demotion: In the case of a voluntary demotion, the employee's current rate of pay shall be reduced by the greater of 3.5% of that rate of pay for each reduction of grade to a maximum of 7%, or the amount necessary to bring the rate to the maximum of the lower pay grade range. However, if the employee is promoted and then voluntarily returns to the position from which he/she was promoted within one year, the employee will return to the rate of pay in effect prior to the promotion. The previous rate of pay will be adjusted to reflect annual increments and economic adjustments received after the promotion date, if any.

Section 7 - Part-time Employment

Part-time employees may be paid the hourly equivalent of the annual salary assigned to the position for which they are hired.

Section 8 - Annual Increments

A. The salary ranges adopted in conjunction with the Compensation Plan provide for annual increments based upon an employee's overall performance rating, but the implementation of these increases shall be the decision of the Board of County Commissioners during the annual budgeting process. The regular increase consists of the annual increment which is 3.5% of the midpoint of the employees' current grade. In addition, the Board of County Commissioners may determine that an economic adjustment will also be available and will be a part of the regular increase.

B. Based on the decision of the Board of County Commissioners that an annual increment will be provided, the following shall be the conditions of those to receive increments.
    1. Employees employed for an entire fiscal year will be eligible to receive the full increment.
    2. Employees who are hired during the fiscal year will be eligible to receive a pro-rated increment based upon 1/12 of the increment for each full month or portion of a month employed during the fiscal year.

3. An employee who has a leave of absence (of any type except Military and Workers' Compensation) for more than ninety (90) calendar days in any fiscal year shall be eligible to receive a pro-rated increment for the number of months actually worked, based upon the formula in Section 8B2 above.
4. Based on the employee's overall performance rating, the annual increment (including any economic adjustment) will be applied as outlined below:
    a. Overall rating of "5", "4" or "3" (2.5 – 5.0) - 100% of regular increase
    b. Overall rating of "2" (1.5 – 2.49) (fails to meet standards/expectations) - 50% of regular increase
    c. Overall rating of "1" (1 – 1.49) (unsatisfactory) - no increase

Section 9 - Pay for Performance

Based on the Pay for Performance System and the decision of the Board of County Commissioners to fund Pay for Performance, regular employees who worked at least six (6) months in the fiscal year and who are still employed on the last day of the final pay period in the fiscal year may be eligible to receive the following:

Final Performance Range	Bonus Amount	Final Performance Range	Bonus Amount
3.5 – 3.59	$500	4.3 – 4.39	$900
3.6 – 3.69	$550	4.4 – 4.49	$950
3.7 – 3.79	$600	4.5 – 4.59	$1,000
3.8 – 3.89	$650	4.6 – 4.69	$1,050
3.9 – 3.99	$700	4.7 – 4.79	$1,100
4.0 – 4.09	$750	4.8 – 4.89	$1,150
4.1 – 4.19	$800	4.9 – 5.0	$1,200
4.2 – 4.29	$850		

Section 10 – Overtime[5]

A. When an employee's actual hours worked exceed 40 hours in one week, any additional hours worked authorized by the Division Director, may be paid at a rate one and one-half (1 ½) times the employee's regular hourly rate.

[5]Overtime is computed differently for Firefighters and Deputy Sheriffs.

B. In the event of an emergency caused by unusual and adverse weather conditions, and/or an event that adversely affects the normal operations of a County facility, that requires County employees to work other than their regularly scheduled working hours, the employee may be paid one and one-half (1½) times his/her regular hourly rate for the excess hours whether or not his/her total work week hours exceed 40 hours, if authorized by the Division Director.
C. This section only applies to those employees whose positions are designated as non-exempt in the position classification schedule.

Section 11 - Interpretation

The Director of Human Resources shall be responsible for interpreting the application of the Compensation Plan to pay situations which are not specifically covered by these rules, using the principles expressed herein as a policy guide.

CHAPTER IV

TYPES OF EMPLOYEES AND APPLICABLE BENEFITS

Section 1 - Regular Employees (Full-time and Part-time)

A. A regular employee is an individual who has been appointed to a budgeted full-time position approved by the Board of County Commissioners and who has completed the probationary period of employment and thereafter been certified by the Division Director as having achieved a regular employee status. A regular employee is eligible for all benefits provided by the County according to the conditions applicable to the benefit, including the right to the appeal procedure.

B. A regular part-time employee is an individual who has been appointed to a budgeted position approved by the Board of County Commissioners whose standard work week is at least 50% of the hours of a full-time position on a regular basis. After completing the probationary period of employment, the individual is certified by the Division Director as having achieved a regular part-time employee status. A regular part-time employee is eligible for a proportionate percentage of annual and sick leave and paid holidays in relation to the work hours of a full-time position, and all other benefits provided by the County according to the conditions applicable to the benefit, including the right to the appeal procedure. Employees hired in a regular part-time status before July 1, 2010 are eligible for health and dental insurance benefits. Regular part-time employees hired on or after July 1, 2010 with a standard work week of at least 75% of the hours of a full-time position on a regular basis are eligible for the health and dental insurance benefits.

Section 2 – Other Employee Types

A. Part-time, Non-Regular Employees: A part-time non-regular employee is an individual who may be regularly scheduled to work less than 50% of the hours of a full-time position, who may be employed to work a full or partial schedule on a seasonal/temporary basis or in a work-study program, or an individual who may be employed to work partial work weeks. Part-time non-regular employees are not eligible for any paid leave or fringe benefits, including paid holidays. Part-time non-regular employees are paid only for hours worked and are not eligible for the appeal procedure.

B. Full-time, non-regular Employees: A full-time non-regular employee is an individual regularly scheduled to work the full hours of a standard work week or under an executed employment agreement. Full-time non-regular employees are not eligible for any paid leave or fringe benefits, including paid holidays. Full-time non-regular employees are paid only for hours worked and are not eligible for the appeal procedure.

C. Grant Funded Employees: An employee employed through a State, Federal or other grant enters employment and may have benefits (excluding a defined benefit retirement plan for employees hired on or after September 16, 2011) associated with that position based on the conditions of the funding involved and may be terminated and the position abolished with no obligation assumed by the County once funding is terminated. A

grant funded employee generally has the right to the appeal procedure; however, a grant funded employee has no rights to appeal the loss of employment due to termination of funding.

Section 3 - Probationary Employees

A. New Employees: Each person, upon initial appointment to any budgeted position approved by the Board of County Commissioners (regardless of the funding source), shall be known as a "probationary employee" until he/she satisfactorily completes a probationary period of six (6) calendar months[6] (see Chapter III, Section 2B). The probationary period shall be regarded as an integral part of the County evaluation process and shall be utilized for closely observing the new employee's work. An employee may be terminated at any time during the probationary period. An employee's probationary period under this category may be extended for an additional time, not to exceed six (6) months, upon request of the Division Director and approval of the Director of Human Resources. A probationary employee is not eligible for the appeal procedure.

B. Regular Employees: Regular employees, who are promoted, demoted, reinstated, or transferred to another position for any reason whatsoever must undergo a probationary period of three (3) months to show that they have proven ability to perform satisfactorily in the new position.
   1. An employee in this category may be terminated at any time during the probationary period if his/her work proves unsatisfactory. A probationary employee is not eligible for the appeal procedure.
   2. An employee in this type of probationary period shall maintain all County benefits he/she has achieved in the previous position. However, a reinstated employee may use all benefits as a regular employee after 6 months has passed since their adjusted date of hire.
   3. An employee's probationary period under this category may be extended for an additional time, up to a total of six months, upon request of the Division Director and approval of the Director of Human Resources.

Section 4 - Elected Officials

Elected officials are exempt by law from the Personnel Rules, but may be eligible for certain "fringe benefits" such as the retirement plan, health care plans, life insurance program, etc., which have been accorded regular County employees, as long as there are no conditions of the fringe benefit program involved that may prohibit participation.

[6] The probationary period for certain positions as determined by the Director of the Division of Fire and Rescue Services is 18 months. The probationary period for certain positions as designated by the Sheriff in the Frederick County Sheriff's Office is 18 months.

CHAPTER V

EMPLOYEE PERFORMANCE EVALUATIONS

Section 1 - Objective

The purpose of the employee performance evaluation shall be primarily to inform regular employees on how well they are doing their work and how they can improve their work performance. The performance evaluation shall also be used to measure and reward performance based on agreed upon job performance criteria in accordance with the County's Pay for Performance System.[7] It may also serve as a basis for training, demotion, transfer, or dismissal; and for such other purposes as set forth in these regulations. This system is not intended to preclude disciplinary action that may be imposed in accordance with Chapter VI of the Personnel Rules.

Section 2 - Period of Evaluation/Process

A. Regular employees: Three (3) performance review/counseling sessions must be conducted during the evaluation year period.

-The first session - the performance goal setting review will be conducted at the beginning of the evaluation period. At this counseling session, the employee and supervisor will determine the performance factors and goals.
-The second session - the interim performance review will be conducted at least once during the year to discuss performance and note any changes in conditions or assumptions affecting factors and goals.
-The third session - the annual performance review will be held at the end of the performance evaluation period to review performance factors and goals, compare actual performance with factors and goals, and discuss the ratings.

B. Probationary, Transfers, Promotions, Demotions
Evaluations of new employees are to be made no later than three (3) weeks prior to the conclusion of the employee's probationary period on approved evaluation forms.

Evaluations of regular employees who have transferred to a new position for any reason whatsoever shall be made no later than three (3) weeks prior to the conclusion of the probationary period.

If the probationary period has been extended for a regular employee who has transferred to a new position, another evaluation shall be made three (3) weeks prior to the conclusion of the extended probationary period.

[7] Sworn personnel and uniformed corrections personnel employed by the Sheriff's Office and bargaining unit personnel in the Division of Fire and Rescue Services are excluded from the Pay for Performance System.

Section 3 - Evaluators

Evaluations shall be made by the immediate supervisor of each employee and shall be reviewed by the Division Director. An employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the employees under his/her supervision who are on a probationary status.

Section 4 - Ratings/Performance Levels

Under the pay for performance system, the employee will be rated on an overall basis from 1 to 5. The definitions and consequences of these levels follow. The compensation for each level is defined in Chapter III, Sections 8 and 9.

A. (5) - Significantly and consistently exceeds all standards/expectations: consistently exceeds the highest established standards/expectations (4.5-5.0).

B. (4) - Exceeds standards/expectations: exceeds normal standards/expectations (3.5-4.49).

C. (3) - Meets standards/expectations: consistently meets the basic requirements for this position. An employee must achieve an overall rating of "3" (2.5-3.49) to be considered fully satisfactory by meeting all the standards/expectations of his/her position.

D. (2) - Fails to meet standards/expectations: does not meet all standards/expectations, but indicates potential to function effectively in the position.

An annual or interim evaluation with an overall rating of "2" (1.5-2.49) must be reviewed/approved by the Director of Human Resources before review with the employee.

Employees that receive a final or interim average (overall rating) of "2" (1.5-2.49) will be placed on a conditional employment status based upon the criteria specified in the performance evaluation and will have his/her employment status re-evaluated.

For an employee with conditional status, performance evaluations will be completed every ninety (90) days to verify progress and compliance toward the specific criteria and goals. If the overall rating becomes a "3", the employee will be removed from conditional status. However, continued failure to meet standards (overall rating of "2") may result in disciplinary action, up to and including separation from employment.

E. (1) - Unsatisfactory: consistently falls below standards/expectations, and appears unable to function effectively in the position.

Interim evaluations with an overall rating of "1" (1-1.49) must be reviewed and approved by the Director of Human Resources before review with the employee. This evaluation should clearly state that if specific improvements are not made and the final rating is a "1", the employee will be terminated.

Any annual evaluation with an overall rating of "1" must have been reviewed/approved by the Director of Human Resources prior to the performance review session with the employee.

If the final evaluation rating is a "1", the evaluation is given to the employee and the employee is separated from employment.

Section 5 - Review with Employees

The evaluator shall discuss each performance evaluation with the employee being evaluated, except at the time of separation of an employee from service. The employee has the right to comment as to whether or not he/she agrees with the evaluation.

Section 6 - Appeal of Performance Evaluation

If a regular employee feels that he/she has not been rated properly, the employee may file a written appeal requesting a hearing to the Division Director or appropriate administrator within five (5) working days of the final review session. This request should set forth the grounds for the appeal. Probationary employees are not eligible to appeal a performance evaluation (see Chapter IV, Sec 3).

Upon receipt of the request for a hearing, the Division Director or appropriate administrator shall set a date, time, and place for such hearing not less than five (5) nor more than ten (10) working days after receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof. After the hearing, the Division Director or appropriate administrator will advise the employee of the decision within five (5) working days.

If the employee still is unsatisfied, the employee may file a written appeal to the Director of Human Resources. The written appeal must be filed within five (5) working days after receipt of the Division Director's decision and must be submitted on the performance evaluation appeals form with documentation of the reasons for the appeal. The written appeal will be reviewed by the Director of Human Resources along with one Division Director. This Division Director will be chosen by the employee from a list of five (5) Division Directors selected by the Director of Human Resources to serve as an appeals committee for a one (1) year period. If the Division Director who held the initial hearing is on the appeals committee, this Division Director cannot be selected by the employee.

The Director of Human Resources and the selected Division Director will review the written appeal and documentation and will render a decision within fifteen (15) working days of receipt of the appeal. The decision of this committee will be final.

Section 7 - Performance Evaluations Confidential

Performance evaluations shall be confidential and shall be made available only to (a) the employee evaluated or his/her representative; (b) his/her supervisor or Division Director; (c) the Director of Human Resources or his/her representative; or (d) the Board of County Commissioners or the Board's duly authorized representative.

Section 8 - Changes in Evaluation

Once the performance evaluation has been discussed with and given to the employee, and the employee has signed that he/she has read it and had the opportunity to discuss the performance evaluation, no changes can be made to the performance evaluation forms without the approval of both the Division Director and the employee unless the evaluation is modified through the appeal process.

Section 9 - Other Employees

Those employees who serve at the pleasure of the Board of County Commissioners, or at the pleasure of some other board, agency, committee, commission or individual, shall be evaluated by the individual or body to whom the employee is responsible. (See County Resolution 97-09 as revised)

CHAPTER VI[8]

DISCIPLINARY ACTION

Except as otherwise provided for by statutes or by resolutions of the Board of County Commissioners, the following provisions shall govern disciplinary actions affecting regular employees.

Section 1 - Dismissals

All dismissals are made by the appropriate Division Director through the Director of Human Resources. No dismissal of a regular employee shall take effect until a Division Director gives to such employee a written statement setting forth the reasons therefore and his/her appeal rights and the employee is given an opportunity to respond to the reasons given for the dismissal. An employee who has been dismissed shall be paid for his/her accrued annual, holiday, and compensatory leave, and may be denied re-employment rights.

Section 2 - Suspensions

A Division Director may, for disciplinary purposes, suspend without pay any employee in his/her department for a length of time he/she considers appropriate, not exceeding five (5) working days. A written statement specifically setting forth reasons for such suspension shall be furnished to the affected employee by the Division Director and a copy filed with the Director of Human Resources. With the approval of the Board of County Commissioners, or the appointing authority, an employee may be suspended for a longer period pending the investigation or hearing of any charges made against him/her.

Section 3 - Demotions

A Division Director may demote an employee for cause. A written statement of the reasons for any such action shall be furnished to the affected employee by his/her Division Director and a copy filed with the Director of Human Resources at least five (5) working days prior to the proposed effective date of the action. (Refer to Chapter III, Section 6)

Section 4 - Reasons for Disciplinary Actions

Listed below are some of the reasons which may be causes for disciplinary action, but disciplinary action is not limited to the offenses listed below:

A. Failure to perform assigned duties properly
B. Insubordination (disobedience or refusal to perform assignments/duties)
C. Chronic or habitual absenteeism or lateness
D. Being absent without leave
E. Inefficiency
F. Unauthorized use of, removal of, theft, or intentional damage to the property of the County or another employee, independent contractor, or customer

[8] This Chapter does not apply to certain Directors and Deputy Chiefs in the Division of Fire and Rescue Services. Refer to Chapter I, Sections 14 and 15.

G. Giving false statements to any County official or employee, or the public
H. Violation of County Ordinances, administrative regulations or division/department/agency rules, policies, or procedures
I. Use, sale, or possession of illegal drugs and/or alcohol on the job, on County property, or in County vehicles
J. Conviction of violation of law bearing on job performance
K. Accepting an inducement to perform or fail to perform
L. Inability to perform assigned duties properly
M. Refusal to be examined by a County appointed medical professional when directed
N. Conduct which is unbecoming of a County employee
O. Violation of a posted safety, fire prevention, health, or security rule
P. Falsification of County records (e.g. hours worked)
Q. A false statement in an employee's application for employment
R. Abuse of sick leave
S. Under the influence of an illegal drug, a controlled dangerous substance, or alcohol while on the job
T. Dishonesty or theft
U. Endangering the safety of or causing injury to other personnel or the public
V. Unsatisfactory performance evaluation (See Chapter V, Section 4D or 4E)

Section 5 - Appeal Procedure

If an employee is eligible for an appeal under these Personnel Rules, refer to Chapter IX - Appeals Procedure.

CHAPTER VII[9]

SEPARATIONS

Except as otherwise provided for by statutes or by resolutions of the Board of County Commissioners, the following provisions govern separations affecting regular employees. When an employee separates from employment with Frederick County, the separation date will be the last day the employee actually works. Leave cannot be "run out" prior to the separation date, and holidays that follow the separation date will not be paid.

All separations of regular employees shall be designated as one of the following types and shall be accomplished in the manner indicated.

Section 1 - Retirement

Any employee who is eligible may retire in accordance with the procedure established by the retirement/pension plan in which the employee participates.

Section 2 - Resignation/Quit

A. To resign in good standing an employee should give his/her Division Director at least fourteen (14) calendar days prior written notice. Normally, failure to comply with this rule shall be entered on the service record of the employee, shall result in a denial of re-employment rights, and shall result in a reduction of accumulated annual leave by one day for each calendar day less than the required fourteen days notice.

B. An employee who fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as "quit". An employee who quits under these conditions may be ineligible for re-employment.

C. A Division Director, with the approval of the Director of Human Resources, may exempt from any or all of these penalties an employee who has given less than the required notice, if in his/her judgment exceptional circumstances warrant such exemptions.

Section 3 - Lay-offs

A. Any involuntary separation for other than disciplinary reasons shall be considered a lay-off.

B. When it becomes necessary to reduce the working force in any department because of the lack of funds or other causes, factors to be considered in making the decision may include: past performance, length of service with the County, and length of service in a class. In the event of a lay-off, the County shall attempt to transfer the employee(s) affected to another department, without reduction in seniority, and if possible, without reduction in pay.

[9] This Chapter does not apply to certain Directors and Deputy Chiefs in the Division of Fire and Rescue Services. Refer to Chapter I, Sections 14 and 15.

Section 4 - Death

When a regular employee dies while employed by Frederick County, any salary due the employee plus his/her accumulated annual leave shall be paid to a named beneficiary designated by the employee, or in the event no beneficiary has been named, to the personal representative of his/her estate or the parties entitled to the estate, as defined in the General Laws of the State of Maryland pertaining to the distribution of personal property.

Section 5 - Disability

A Division Director may direct any employee under his/her jurisdiction to be examined by a County appointed medical professional. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes his/her continuance on the job a danger to the employee or others, the following action shall be taken:

A. An attempt will be made to make a reasonable accommodation in the current position. If this is not possible, an attempt will be made to place the employee in a vacant position where the employee is able to perform the essential job functions for that position.
B. If the employee cannot be placed satisfactorily in another position, or a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service. The employee will be provided with information concerning their benefits prior to separation.

Section 6 - Dismissals

All dismissals are made by the appropriate Division Director through the Director of Human Resources. No dismissal of a regular employee shall take effect until a Division Director gives to such employee a written statement setting forth the reasons therefore and his/her appeal rights and the employee is given an opportunity to respond to the reasons given for the dismissal. An employee who has been dismissed shall be paid for his/her accrued annual, holiday and compensatory leave, and may be denied re-employment rights.

Section 7 - Appeal Procedure

Any separation action provided in this Chapter may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure.

CHAPTER VIII

ABOLISHMENT OF DIVISIONS, SECTIONS OF DIVISIONS OR POSITIONS; MERGER OF DIVISIONS OR SECTIONS OF DIVISIONS INTO NEW DIVISIONS; TRANSFER OF POSITION FROM ONE DIVISION TO ANOTHER DIVISION; INTER-DIVISION TRANSFERS; RECLASSIFICATION; REINSTATEMENT

Section 1 - Abolishment of Divisions or Sections of Divisions or Positions

When a Division (Agency, Board or Commission), a section of a Division or a position or positions are abolished as no longer serving the best interest of the County, every effort shall be made to provide the affected regular employees of that Division, section of a Division, position or positions, other job opportunities within their qualifications and skills. This does not guarantee the affected employee's position in the same class and rate of pay previously held.

A. If another job opportunity is unavailable for employees falling under this condition, or if the employee does not wish to accept another offered position, the employee is to be terminated upon the date the change is to be effected.

B. Severance pay shall be extended to employees terminated under the foregoing paragraph who are not offered another job opportunity on the following basis: 0 to 2 years of service: seven (7) days of pay; 2 to 10 years of service: thirteen (13) days of pay; 10 years and more of service: twenty (20) days of pay.

Section 2 - Merger of Divisions or Sections of Divisions

When a Division (Agency, Board or Commission) or a section of a Division is merged into a new or existing Division, employees of the merged Division or section of a Division shall be given job opportunities, if available, within their skills and qualifications within the new Division, but not necessarily within the same class and rate of pay previously held.

If an employee fails to accept the job opportunity presented, the employee is to be terminated upon the date the merger is to take place and shall not be eligible for severance pay.

Section 3 - Transfer of Position from One Division to Another Division

When a position is transferred from one Division to another Division, the employee in the position shall move with that position at the same class and rate of pay. If the employee involved refuses to move with the position, the employee is to be terminated upon the date of transfer and shall not be eligible for severance pay.

Section 4 - Inter-Division Transfers[10]

A transfer of an employee from one Division to another must have the approval of the Director of Human Resources. An employee who is transferred shall continue at the same pay rate except as otherwise provided.

[10] This Section does not apply to employees transferred from other County divisions into sworn positions and uniformed corrections positions within the Sheriff's Office or into bargaining unit positions within the Division of Fire and Rescue.

Section 5 - Reclassification

A. When an employee's position is reclassified to a higher salary grade, the employee's current rate of pay will be increased by 3.5% of that rate of pay for each grade, or increased to the minimum of the new grade, whichever is higher. For example, if an employee's position is reclassified from grade 8 to grade 10, the employee's current rate of pay will increase 7% (3.5% X 2) or to the minimum of the new grade, whichever is higher.

B. When an employee's position is reclassified to a lower salary grade, he/she shall remain at the same rate of pay. However, if the rate of pay exceeds the maximum rate of the lower grade range, the employee will not be eligible for annual increments or economic adjustments until the rate of pay falls within the lower grade range.

C. Reclassifications are not subject to appeal.

Section 6 - Reinstatement

Any former regular employee who has resigned in good standing or has changed to a non-regular position may be reinstated, if a vacancy exists, to the same or similar position with the same Division from which he/she resigned within one year of the date of resignation or change. The employee may be reinstated at the same rate of pay in the pay schedule which he/she had received but cannot be reinstated at a higher rate of pay. An employee reinstated under this section is eligible for all benefits accorded with his/her adjusted date of employment. An employee who is reinstated to regular employment under this section will have his/her original entry date adjusted, for the purpose of annual leave and sick leave computations, based on the number of days the employee was not working for the County or was working in a non-benefited position.

Section 7 - Appeal Procedure

Actions under this Chapter, except for reclassifications, may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure, as applicable.

CHAPTER IX

APPEALS PROCEDURE[11, 12]

Section 1 - Appeal of Disciplinary Action; Dismissals[13]

A. A regular employee who has completed his/her probationary period who is disciplined under provisions of Chapter VI or dismissed from service under provisions of Chapter VII may, within five (5) working days of the receipt of the notice of such action, file a request in writing with the Division Director or appropriate administrator for a hearing. The request form for a hearing may follow the sample form as provided in the appendix of the Personnel Rules, or a style of the employee's choosing. The request, to the best of the appellant's ability, shall provide all the pertinent information concerning the action which is being appealed.

B. Upon receipt of the request for a hearing, the Division Director or appropriate administrator shall set a date, time and place for such a hearing not less than five (5) nor more than ten (10) working days after receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof. After the hearing, the Division Director or appropriate administrator will advise the employee of his/her decision within ten (10) working days. If the employee still is unsatisfied, the employee may, within five (5) working days of receipt of the Division Director's decision, file with the Director of Human Resources a written request to have his/her case heard by the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners.

C. Upon receipt of a request for a hearing, the Board of County Commissioners or the appointing authority if different than the Board of County Commissioners, shall set a date, time and place for a hearing to be held not less than five (5) nor more than twenty (20) working days after the receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof.
   1. All hearings shall be conducted in closed session.
   2. If the Board of County Commissioners or the appointing authority, if different from the Board of County Commissioners, determines that a hearing is not necessary or appropriate it may issue a written decision with respect to the disciplinary action or dismissal without holding a hearing. The employee must be notified in writing of the decision within ten (10) working days.
   3. The Board of County Commissioners, or the appointing authority if

[11] Working days for the purpose of this Chapter are defined as Monday through Friday, with the exception of holidays as adopted by the County.
[12] This Chapter does not apply to certain Directors and Deputy Chiefs in the Division of Fire and Rescue Services. Refer to Chapter I, Sections 14 and 15.
[13] For the purpose of this Section, Deputy Sheriffs will be covered by the Law Enforcement Officers Bill of Rights.

different than the Board of County Commissioners, may determine if the action appealed from should be affirmed, reversed, or otherwise modified.

4. The affected employee shall be notified in writing by the Board of County Commissioners, or appointing authority if different than the Board of County Commissioners, within ten (10) working days of the hearing of the final determination with respect to the disciplinary action or dismissal.
5. The decision and action of the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners, shall be final.

Section 2 - Grievance Procedure Appeal[13]

Appeals which involve disciplinary actions and/or dismissals shall be handled as provided in Chapter IX, Section 1. Other grievances which concern a decision or action that affects a regular employee's terms or conditions of employment, or a regular employee's belief that a mistake has been made in the administration of a rule, plan, or policy that affects a working activity, may constitute a grievance. This does not include negotiations of wages, salaries, or fringe benefits; position classifications; non-selection for a position or promotion to a County position; or actions taken against an employee during the employee's probationary period. The determination of the Board of County Commissioners or appointing authority, or designee, as to what constitutes a term or condition of employment shall be final. A grievance shall be handled in the following manner:

Step 1: Within ten (10) working days after the event giving rise to the grievance or within ten (10) working days following the time when the employee should reasonably have known of its occurrence, the employee may request in writing a meeting to discuss the matter with his/her immediate supervisor. The immediate supervisor shall attempt to adjust the grievance and shall respond to the employee in writing within ten (10) working days of the request.

Step 2: If the employee is not satisfied with the decision of the immediate supervisor, he/she may request a hearing with and a decision by the Department Head regarding the grievance. This request must be presented in writing to the Department Head within five (5) working days of the receipt of the decision of the immediate supervisor, and set forth the facts on which the grievance is based and the relief requested. Upon receipt of this request, the Department Head shall attempt to adjust the grievance and shall respond to the employee in writing within five (5) working days.

Step 3: If the employee is not satisfied with the decision of the Department Head, he/she may request a hearing with and a decision by the Division Director, if applicable, regarding the grievance. This request must be presented in writing to the Division Director within five (5) working days of the receipt of the Department Head's decision, and set forth the facts

[13] For the purpose of this Section, Deputy Sheriffs will be covered by the Law Enforcement Officers Bill of Rights.

on which the grievance is based and the relief requested. Upon receipt of this request, the Division Director shall attempt to adjust the grievance and shall respond in writing within five (5) working days.

Step 4: If the employee is not satisfied with the decision of the Division Director, he/she may request a decision through the Director of Human Resources, by the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners. This request must be presented in writing to the Director of Human Resources for the Board of County Commissioners, or the appointing authority if different than the Board of County Commissioners, within five (5) working days of receipt of the Division Director's decision, and set forth the facts on which the grievance is based and the relief requested. Upon receipt of this request for a hearing, the Board of County Commissioners or the appointing authority shall set a date, time and a place for a hearing to be held not less than five (5) nor more than twenty (20) working days after receipt of the request. If the Board of County Commissioners or the appointing authority, if different from the Board of County Commissioners, determines that a hearing is not necessary or appropriate, it may issue a written decision on the grievance without holding a hearing. The employee must be notified in writing of the decision within ten (10) working days. The decision of the Board of County Commissioners or the appointing authority is final.

Section 3 - Specific Conditions of All Appeals

A. The appealing employee shall have the right to appear with a representative of his/her choosing.
B. The failure of the employee to appeal a decision to the next higher stage within the designated time shall constitute a withdrawal and shall bar future action by the employee.
C. The failure of a Division Director to communicate his/her decision within the designated time shall permit the employee to proceed to the next stage of the appeal.
D. The employee may withdraw the appeal at any time by written notice.
E. All written material concerning an appeal of any type shall become a part of the personnel record of the employee involved, unless otherwise agreed by both the employee and the appointing authority.

CHAPTER X

ATTENDANCE, HOLIDAYS AND LEAVE

Section 1 - Hours of Work

The hours of work for all County employees shall be determined by the Board of County Commissioners.

Section 2 - Attendance

Each Division Director shall be responsible for the attendance of all persons in his/her department.

Section 3 - Holidays[14]

A. The following days are designated as regular holidays for eligible regular employees. The dates of these holidays will be determined by the Board of County Commissioners.

New Year's Day
Martin Luther King, Jr. Day
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Eve
Christmas Day
General Election days as they may occur

B. In departments and/or divisions that operate on a Monday through Friday work schedule, when a holiday falls on Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of such holiday. Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. In the case of Christmas Eve and Christmas Day, if Christmas Eve falls on Sunday, the following Monday and Tuesday shall be considered holidays. If Christmas Day falls on Saturday, the previous Thursday and Friday shall be considered holidays. Holidays which occur during annual leave shall not be charged against annual leave.

C. Clarification of holiday work: In order to eliminate any confusion among employees who are working in departments/divisions that must operate on a regular 24-hours a day, seven days a week schedule, or on a regular six or seven days a week schedule, or on a schedule that is necessary to provide a public service on certain holidays, the following policy is hereby implemented:

1. In those departments and/or divisions where the regular work schedule calls for work on certain holidays in order to provide a

[14] This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9. This Section does not apply to certain employees of the Division of Fire and Rescue Services.

service or convenience to the general public, employees of these departments shall be given another "paid day off" in lieu of the holiday.

a. Employees working holidays under this provision shall be paid at their regular hourly rate.

b. A record of employees who work holidays and are eligible to accrue a "paid day off" will be maintained by the payroll department. This "paid day off" shall be requested by the employee in writing in advance of the actual "paid day off" in order that the Division Director may make any arrangements necessary so the absence does not put an uncalled-for burden on the work of the department and/or division.

c. "Paid days off" in lieu of holidays must be taken within the calendar year of the holiday that created the "paid day off" benefit.

2. In those departments and/or divisions that must operate on a regular 24-hours a day, seven days a week schedule, or where the regular work schedule calls for work on holidays due to the nature of operation of the department/division (such as the Adult Detention Center, Landfill, and Emergency Communications Center, and any other department/division that may be specified as coming under this provision) the employees shall be paid at their regular rate for hours worked plus their regular "holiday pay".

a. If an employee desires to waive the regular "holiday pay" and receive a "paid day off" at a later date,
he/she shall make that decision prior to actually working the holiday and notify in writing on a
standard request form, the Division Director who shall keep a record of all such requests.

b. "Paid days off" in lieu of holiday pay must be taken within the calendar year of the holiday that created the "paid day off" benefit.

c. Under no circumstances is an employee entitled to "holiday pay" and a "paid day off" for the same holiday.

D. Holiday pay and "paid day off" pay SHALL NEVER BE COMPUTED in any work week as contributing to an overtime rate of pay.

E. A Division Director may authorize any employee to work a holiday and receive a "paid day off".

F. The County Manager or his/her designee may authorize "paid days off" in lieu of holidays to be carried over to the following calendar year for good cause.

G. Accumulated holidays will be paid at the date of separation; however, an employee will not be paid for a holiday if he/she does not work after the holiday occurs.

Section 4 - Annual Leave

A. Annual leave is granted to an employee based upon the length of employment.

1. Employees with up to two years of service earn annual leave at the rate of eleven (11) days per year.
2. Employees with two to ten years of service earn annual leave at the rate of seventeen (17) days per year.
3. Employees with ten years of service or more earn annual leave at the rate of twenty-four (24) days per year.

B. The maximum number of annual leave days an employee can carry over from one calendar year to the next is thirty (30) days. Any days in excess of thirty will be converted to sick leave in the first pay period of the subsequent calendar year. The County Manager may authorize an employee to carry over more than 30 annual leave days from one calendar year to the next if the County Manager determines that an extraordinary project reasonably prevents that employee from taking annual leave during the calendar year.

C. An employee must have been employed for six (6) consecutive months before he/she can take annual leave.

D. Annual leave cannot be authorized until it has been accrued.

E. No allowance shall be made for sickness or incapacity of an employee on annual leave.

F. Under proper termination procedures as defined in Chapters VI, VII and VIII, an employee shall be entitled to be paid for all accrued and unused annual leave. Annual leave cannot be "run out" prior to the date of separation.

G. Requests for leave: Leave may be taken only after approval by the appropriate authority, but every employee shall be afforded the opportunity to take annual leave during the year, if properly requested.

H. Annual leave may be used, if requested properly, for vacation purposes or for portions of a day used for personal reasons.

Section 5 - Sick Leave

A. Sick leave will be granted to an employee based on length of employment and the following schedule:
   1. Employees with up to two years of service earn sick leave at the rate of ten (10) days per year.
   2. Employees with two years of service or more earn sick leave at the rate of twelve (12) days per year.

B. There shall be no limit upon the amount of sick leave an employee may accumulate. Sick leave may be taken by an employee from the date of his/her employment.

C. When sick leave is permissible:
   1. Sick leave shall be allowed in case of the employee's actual sickness or disability, including pregnancy of the employee, and necessary medical and dental appointments.
   2. Sick leave shall also be allowed for the purpose of caring for the actual sickness, disability, or necessary medical/dental appointments of an employee's child, dependent, spouse, parent, or parent-in-law.

D. In order to receive compensation while absent on sick leave the employee must notify his/her supervisor prior to or within one hour after the time set for beginning his/her daily duties, unless the employee is so ill as to be

incapable of notification.

E. The Director of Human Resources, upon written request by the Division Director or appropriate authority, may require that the employee be examined by a County appointed medical professional at any time.

F. The Division Director, or appropriate authority, with the approval of the Director of Human Resources, in order to prevent abuse of sick leave or to assure medical attention for an employee, may institute a policy whereby an employee may be required to submit a medical certificate signed by a duly licensed medical professional which authenticates a partial absence for a doctor's appointment or an absence due to illness or injury of one day or more. Examples of sick leave abuse may include, but are not limited to, the following:
   1. Any pattern of sick leave usage, such as the use of six days in a six month period, one or two days at a time.
   2. Habitual sick leave absences on Mondays, Fridays, and/or the days immediately before and after holidays.
   3. Any employee who has no significant accumulation of sick leave after at least three to five years of service, without sustaining a major illness during that time period.

G. Employees suspected of abusing sick leave privileges will be notified and appropriate disciplinary action taken.

H. Upon termination of employment, an employee SHALL NOT be paid for any accrued and unused sick leave.

I. Returning from sick leave: Upon returning from sick leave, the County may request from an employee a certification from a licensed medical professional or a County appointed medical professional that he/she is able to perform all the duties of his/her position to 100% capability.
   1. If any employee cannot perform the duties of his/her position up to 100% capability, he/she may be refused the right to return to work until this capability is reached.
   2. If, as a result of an illness, an employee cannot perform the essential job functions of his/her position, upon the employee's request, an attempt will be made to make a reasonable accommodation and to place employee in a position where he/she is capable of performing the duties which the position requires. If a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service.
   3. If, as a result of documented temporary disability due to pregnancy, an employee cannot perform the essential job functions of her position, reasonable accommodation will be made unless it creates an undue hardship. Reasonable accommodation could include changing the employee's job duties/work hours/work area, providing mechanical/electrical aids, transferring the employee to a less strenuous or hazardous position, or providing leave.

Section 6 - Annual Leave and Sick Leave Records

A. Regular employees shall have their annual leave and sick leave records recorded on each pay period's check stub. Regular part-time employees are entitled to accrue a proportionate percentage of annual,

holiday and sick leave in relation to the work hours of regular full-time employees for the same position.

B. An employee shall not be allowed to accrue annual and sick leave while absent from work due to illness or injury for any period in excess of sixty (60) consecutive calendar days.

Section 7 - Extended Sick Leave (When earned sick and annual leave are exhausted)

If a regular employee has an extended illness or is absent as a result of an off-duty accident for an extended period of time, and has used all of his/her sick leave and annual leave, the County may provide, upon proper application to the Division of Human Resources, an extended sick leave benefit that provides payment of one-half the employee's weekly salary for the remaining period of illness up to six (6) months from the date the extended sick leave began. This benefit may not exceed six (6) months in a three year period. The Director of Human Resources may request that the employee be examined by a County appointed medical professional at any time.

An employee shall not be allowed to accumulate annual and sick leave while on extended sick leave.

Extended Sick Leave may not be used for any condition covered under any Workers' Compensation law or regulations.

Section 8 - Sick Leave Donor Program

A sick leave donor program has been established to assist employees who have exhausted all of their accrued leave. Parameters of this program are available under separate cover from the Division of Human Resources. Under this program:

A. A regular employee may donate accrued leave hours on an as-needed basis, to another regular employee who meets the criteria.
B. Any regular employee who is eligible to accrue sick leave benefits and has completed 6 months of probationary status is eligible to receive benefits under the sick leave donor program.
C. An eligible employee may use this benefit in the case of the employee's temporary non-work related illness, injury or disability.
D. An eligible employee may use this benefit for the purpose of caring for the illness, injury or disability of his/her child, dependent, spouse, parent or parent-in-law.
E. This benefit is limited to thirty (30) working days within 12 consecutive months.

Section 9 - Military Leave

A. A regular employee who leaves the service of the County for the purpose of enlisting in the armed forces of the United States (armed forces means U.S. Army, U.S. Air Force, U.S. Marines, U.S. Navy, U.S. Coast Guard, U.S. Public Health Services, and any special military unit under the direction of the foregoing branches of service), shall be granted a leave of

absence without pay and shall be entitled to be reinstated in his/her former job classification or to a position of like seniority status and pay grade unless the circumstances of the County have so changed as to make it impossible or unreasonable to do so. This leave may not be granted beyond the first voluntary enlistment unless a national emergency exists.

B. A regular employee who is drafted or recalled to active duty by reason of his/her reserve or other status shall be granted a leave of absence and shall be entitled to be reinstated in his/her former classification or to a position of like seniority status and pay grade unless his/her position has been abolished in the time between his/her last day of work and application for return. In these circumstances, an employee is eligible to continue health and dental coverage by paying the same rate as an active employee and may be eligible to receive the difference between their County annual salary and military pay for a cumulative maximum of 5 years.

C. Application for reinstatement shall be made as follows:
    1. After a leave under 30 days in duration, an employee must return to work the next assigned shift or regular work day. For a leave between 31 and 180 days, the employee must apply for re-employment within 14 days after discharge from active service. For a leave greater than 181 days, application for reinstatement must be made within 90 days after discharge from active service or within two years if hospitalization continues after discharge; and
    2. Employee presents copy of honorable discharge or certificate showing satisfactory completion of service.

D. Any regular employee who is a member of any United States military reserve or national guard unit and is required to engage in annual training exercises will be granted leave with pay for a period of time not to exceed fifteen (15) days in one calendar year, if it will not result in harm to the interest of the County. County compensation will continue in effect during the time of military leave.

E. When an employee returns from a military leave of absence, and the original position is upgraded or reclassified, the employee is eligible for the upgraded/reclassified position if qualified.

F. No type of military leave shall be deducted from other types of leave earned by the employee.

G. Temporary and part-time employees as defined in Chapter IV, Section 2 are not included.

H. Regular employees are entitled to all rights created by or arising under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and should contact the Human Resources Division with their concerns or requests for additional information.

Section 10 - Educational Leave

A regular employee may be given educational leave without pay for the purpose of taking courses directly related to his/her work. Request for such leave must be approved in advance by the Division Director and the Director of Human Resources. Since the time required for educational leave may vary from

case to case, the Director of Human Resources may review and decide the merits of each case.

Section 11 - Bereavement Leave

A. Permission for leave for maximum periods of three (3) working days, depending on need, shall be granted to any regular or probationary employee by the Division Director in the event of death of one of the following members of the family: spouse, children, spouses of children, parents of employee or spouse or others who took the place of parents, grandparents of employee or spouse, grandchildren, brothers and sisters of employee or spouse, and other relatives living as members of the employee's household. If travel requiring staying away from home overnight is involved, additional days may be allowed and charged against sick leave.

B. A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of attending the funeral of other people outside of the immediate family. After being granted leave with pay for this particular reason for any day or substantial portion of a day, he/she is expected to return to duty. Failure to return to duty when possible will result in charge to annual leave, or leave without pay.

Section 12 - Jury Leave

A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of serving on a jury. If the employee is excused or released by the Court for any day or substantial portion of a day, the employee is expected to return to duty. Failure to return to duty when possible shall result in charge to annual leave, or leave without pay. To receive his/her regular rate of pay while on jury duty, the employee shall produce evidence to the Division of Human Resources of jury attendance.

Section 13 - Leave Without Pay

A Division Director may grant a regular employee a leave of absence without pay for a period not to exceed one year. Failure of an employee to return to duty upon the expiration of his/her leave without pay shall be interpreted as a resignation. Leave without pay shall be granted only when it will not result in harm to the interest of the County as an employer beyond any benefits to be realized. If the employee is on a leave of absence in excess of thirty (30) consecutive calendar days, his/her beginning date of employment will be adjusted by the total number of calendar days over thirty (30) for computing annual and sick leave only.

Section 14 - Absence Without Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. In the absence of such disciplinary action, any employee who

absents himself/herself for three (3) consecutive working days without leave shall be deemed to have quit. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

Section 15 - Disability Leave (Work-Related Injury/Illness)

Any employee whose position provides leave benefits and who is temporarily disabled in the line of duty shall receive full pay for the period of his/her disability without charge against his/her annual or sick leave, subject to the following conditions:

A. The disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.
B. If incapacitated for his/her regular employment, the employee may be given other duties with the County government for the period of recuperation. Refusal to accept such an assignment as directed by the Division Director or the Director of Human Resources will make the employee ineligible for disability leave during the time involved.
C. A County appointed medical professional shall determine the physical ability of the employee to continue working or to return to work.
D. Disability leave shall not exceed ninety (90) calendar days for any one injury, and after ninety days said employee may, at his/her request, be placed on sick leave or inactivated from payroll and receive workers' compensation pay.

Section 16 - Compensatory Time

A. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.
   1. "Compensatory Time" means time worked by a non-exempt employee in addition to the standard work hours in the regular work week for the particular position.
   2. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.
   3. For a non-exempt employee whose regular work week is 35 hours, compensatory time will be accrued on an hour-for-hour basis for hours worked above 35 in a week but not greater than 40 hours. For all employees, with the exception of Firefighters and Deputies, hours worked above 40 will be accrued on a 1 ½ hour-for-hour (time and a half) basis.

      (e.g. for a 35-hour employee)
      37 hours worked = 2 hours compensatory time
      42 hours worked = 5 hours + (2 hours x 1 1/2) = 8 hours compensatory time
   4. Accumulation of compensatory time will be limited to the employee's regular work week (e.g. 35-hour employees will be limited to 35 hours, 40-hour employees to 40 hours).[15]

[15] Additional accumulation of Compensatory time may be granted upon approval of Division of Human Resources.

Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.

5. Before compensatory time may be approved or accrued, the employee must first sign a Compensatory Time Agreement (Appendix 2). The signed Compensatory Time Agreement will be kept in the employee's personnel file, in the Human Resources office.

B. Exempt employees (those employees who are designated as exempt from receiving overtime) are not eligible for compensatory time, but can compute pay period hours on a cumulative pay period basis, rather than on a daily basis. (e.g. an employee who is regularly scheduled to work 70 hours in a two-week pay period can work flexible hours during that period as long as the hours total at least 70 during the two-week pay period)
   1. Working hours must be approved in advance by the Division Director.
   2. As an incentive for working on an extraordinary project, the County Manager may authorize an exempt employee to accumulate compensatory time on a cumulative basis for a time period longer than one pay period. The maximum accumulated compensatory time will be determined by the County Manager. Accumulated but unused compensatory time will not be paid to exempt employees at the time of separation.

Section 17 - Family and Medical Leave Act (FMLA)

In addition to other types of leave mentioned in this chapter, employees who have worked for the County for a period of 12 months (need not be consecutive) and have worked at least 1250 hours during the preceding 12 months, may qualify for FMLA leave.

A. FMLA Basic Leave Entitlement
   1. Eligible employees may qualify for a total of twelve (12) work weeks of leave (paid or unpaid) during any 12 month period (measured backward from the first date the leave begins) for one or more of the following conditions:
      - Birth of a son or daughter;
      - Placement of a son or daughter with the employee for adoption or foster care;
      - Care for spouse, son, daughter, parent or parent-in-law who has a serious health condition;
      - A serious health condition of the employee whether work-related or not.
   2. Whenever the leave is for a serious health condition, the County will require that the absence be supported with certification from the health care provider of the employee, spouse, son, daughter, parent or parent-in-law. The Certification of Physician or Practitioner form must be used for all nonwork-related conditions.
      - If the validity of the certification is in doubt, the County may request that the employee obtain a second opinion, at

the County's expense, from a health care provider designated by the County.

- If there is a conflict of opinion between the two health care providers, the County may request the employee to obtain, at the County's expense, an opinion from a third provider jointly approved by the County and the employee.

B. FMLA Military Leave Entitlement

1. Qualifying Exigency: Eligible employees with a spouse, son, daughter, or parent in the National Guard, Reserves or Regular Armed forces who are on or called to covered active duty which includes deployment to a foreign country, and for members of the National Guard and Reserves, be in support of a contingency operation may qualify for up to twelve weeks during any 12 month period (measured backwards from the first date the leave begins) to address certain qualifying exigencies which may include:
    - Attending certain military events
    - Arranging for alternative childcare/parental care;
    - Addressing certain financial and legal arrangements;
    - Attending certain counseling sessions;
    - Attending post-deployment reintegration briefings;
    - Rest and Recuperation(15 calendar days)
2. Military Caregiver: Eligible employees who are the spouse, son, daughter, parent or next of kin of a covered service member or covered veteran who has a serious disabling injury or illness incurred in or aggravated by service in the line of duty during active duty in the Armed Forces may take up to 26 weeks of leave in a 12-month period (measured forward only) to care for that covered member.
3. Whenever the leave request is for military family leave, the County will require that the request be supported by an appropriate certification, as outlined below:
    - Leave for a qualifying exigency will require a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency including contact information if the leave involves meeting with a third party;
    - Leave to care for a covered service member or covered veteran with a serious injury or illness will require certification completed by an authorized health care provider, or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family, or documentation of enrollment in the Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

C. The following provisions apply to all leaves taken for FMLA-qualifying reasons:

1. FMLA leave time shall run concurrently with any of the following leaves that are taken for any FMLA qualifying condition: Disability Leave or any leave that is taken as a result of a condition covered under Worker's Compensation law, Sick Leave Absence (in excess of seven consecutive calendar days), Sick Leave Donor, Extended Sick Leave, Annual Leave, Compensatory/Accrued Holiday Leave.
2. All eligible accrued leave (e.g. annual, sick, holiday and/or compensatory) must be used before unpaid leave can be used. Both paid and unpaid leave will count toward the maximum total of 12 work weeks of FMLA leave within a 12 month period, or 26 weeks if on approved Military Caregiver leave.
3. The County will continue the employee's health care coverage at the regular employee's rate as long as all employee contributions are paid during the unpaid leave periods. However, if the employee does not return to work, the employee will be responsible for the County's portion of the premiums for the unpaid leave period. Arrangements must be made with the Human Resources office.
4. During the unpaid FMLA leave periods, sick leave and annual leave will not be accrued.
5. While the employee is using FMLA leave, the employee's position will be protected, and the employee will return to the position at the same grade and rate of pay at which he/she left.
6. An employee who is on designated FMLA leave for their own serious health condition has the right to refuse an offer of restricted/light duty without affecting their employment status. However, if applicable, Disability/Workers Compensation benefits may be affected.
7. Whenever the need for FMLA leave is foreseeable, the employee is expected to provide 30 days advance written notice before the leave is to begin.

D. FMLA leave shall end:

- When the employee, spouse, son, daughter, parent or parent-in-law is no longer affected by the serious health condition;
- If the employee fails to provide documentation to continue the leave when requested;
- When the employee has exhausted the maximum period of time eligible for FMLA leave. If additional time needed, the employee may request leave of absence in accordance with the Leave Without Pay section of the Personnel Rules (Chapter X, Section 14). An absence beyond the maximum time under FMLA leave is not protected by that law;
- If the employee accepts other employment.

CHAPTER XI

MISCELLANEOUS INSURANCE AND BENEFITS

Section 1 – Worker's Compensation

A. Frederick County provides full protection under the Worker's Compensation laws of the State of Maryland.

B. To be sure of coverage under Worker's Compensation insurance, each employee must immediately report any injury sustained to his/her supervisor who, in turn, contacts the Risk Manager for proper action. Failure to report an injury may affect a claim for coverage.

Section 2 - Retirement Plans

A. The Frederick County Employees Retirement Plan is a defined benefit pension plan. Regular employees are required to participate in the plan as a condition of employment. The County and plan participants are required to make contributions to the plan. Retirement benefits are payable at normal, early or delayed retirement. Benefits are also payable at termination, in the event of death or disability. A summary plan description is provided to plan participants.

B. The Frederick County Defined Contribution Plan was established on July 1, 2012 for employees of Frederick County Government classified as "grant funded" who were hired, or rehired, by the County on or after July 1, 2012. Eligible employees are required to participate in the defined contribution plan as a condition of employment. A summary plan description is provided to plan participants.

C. Employees of the Frederick County Public Libraries participate in the Maryland State Teacher's Pension System.

D. Employees hired on or before July 1, 1993, who elected to remain as participants in the State plans are subject to the provisions governing those plans.

Section 3 - Social Security

Social Security benefits are provided for County employees through payroll deductions from employees and matching funds provided by the County.

Section 4 - Health Care Plans

Each regular County employee working in a job budgeted for 75% or more of full-time hours may elect to join a Medical and/or Dental Care Plan effective on the first of the month following hire or change to eligible status. The employee's share of the cost shall be determined in the annual budget by the Board of County Commissioners and will be paid by means of regular payroll deductions.

Benefit information on the Medical and Dental Care Plans will be provided to employees in separate booklets.

Section 5 - Life Insurance

The County provides and pays the premium for insurance equal to two times the regular employee's annual salary (or four times the annual salary in the event

of accidental death). The Division of Human Resources will provide beneficiary forms for the employee to complete.

A voluntary life insurance program is offered to regular employees. Through this program regular employees may purchase individually owned life insurance for themselves and for their spouses and dependents. Employees may enroll on an annual basis.

Section 6 - Employee Assistance Program

The County offers an Employee Assistance Program that provides employees and their families confidential assistance in resolving problems that affect their personal lives and job performance. More information may be obtained from the County Intranet and Division of Human Resources.

Section 7 - Deferred Compensation Plan

Each regular County employee may elect to join the Deferred Compensation Plan which is a federally approved pre-tax retirement savings incentive program. The County does not contribute on behalf of the employee. Enrollment, changes to the amount of contribution, and investment changes may be made at any time. Complete information on the Deferred Compensation Plan may be obtained from the Division of Human Resources.

Section 8 – Long Term Care Insurance

Each regular County employee may elect to purchase Long Term Care Insurance to cover long term nursing home stays or at home health care not covered by the Health Care Plan. Premiums are paid by the employee. Additional information may be obtained from the Division of Human Resources.

Section 9 – Flexible Spending Accounts (FSA)

The County offers accounts to eligible employees to direct a portion of pay, on a pre-tax basis, for reimbursement of certain health care and dependent care expenses. More information can be obtained from the Division of Human Resources.

Section 10 – Health Savings Accounts (HSA)

The County offers accounts to eligible County employees to set aside money, tax free, that can be used to pay for certain eligible health care expenses. Employees must be enrolled in the High Deductible Health Plan (HDHP) in order to open an HSA. More information can be obtained from the Division of Human Resources.

CHAPTER XII

EMPLOYEE EDUCATIONAL PROGRAM

The employee educational program is established for the mutual benefit of both Frederick County Government and the regular employee who has been employed by Frederick County Government for six months or more. Funding of the program is subject to the decision of the Board of County Commissioners and it may be suspended/modified at any time.

Section 1 – Benefit

A. This program reimburses 75% of the cost of tuition, books, registration fees, charges per credit hour or similar charges for a regular employee who completes a pre-approved course from an accredited educational institution that improves the knowledge or skills required for their current job.

B. Benefits are subject to the following conditions:

1. Reimbursement is limited to a) two (2) courses taken per semester and b) up to a maximum benefit of $3,000 per fiscal year.
2. Courses of study eligible under this program include credit and non-credit courses, on-line/home study courses, and proficiency examinations from an accredited educational institution.
3. Documentation of a grade of "C" or better or the numeric equivalent is required for reimbursement for all credit courses. Non-credit courses, on-line/home study courses, pass/fail courses, and proficiency examinations not subject to grading require a certificate or a letter from the college or institution verifying satisfactory completion.
4. Mileage allowances or other travel reimbursements are not considered eligible expenses in this program.
5. All requests for educational funds must be approved or disapproved by the Division Director concerned, and directed to the Director of Human Resources for final action PRIOR to the registration for the course.

Section 2 - Application Procedures and Use of Request for Education Reimbursement

A. Application for educational funds will be made on a Request for Educational Reimbursement form which must be submitted prior to commencement of the course(s). NOTE: Employees may register for a course(s) prior to approval of Education Reimbursement form. Please keep in mind that approval is contingent upon fiscal year funding and meeting the requirements as stated above.

B. The employee should describe as completely as possible the courses for which he/she is requesting reimbursement.

C. All requests shall first be presented to the Division Director for his/her approval.

D. The employee and Division Director shall determine whether the required course is directly related to his/her position.
E. The Director of Human Resources shall indicate the final action and return the original to the employee.
F. When the application has been finally approved and returned to the employee, he/she may expect to receive benefits in accordance with the commitments made on the Request for Educational Reimbursement.
G. Upon completion of the approved course and within thirty (30) days from receipt of final grade/course completion, the employee shall forward to the Division of Human Resources the following:
    1. Original copy of the approved Request for Educational Reimbursement certifying his/her completion of the course,
    2. Copy of grades or other evaluation, and
    3. Copy of invoices showing the amounts paid by the employee for the course and books.

Section 3 - Conditions for Reimbursement

A. If the employee withdraws from the course before completion, reimbursement for the course costs will not be made by the County.
B. If the employee leaves County employment within the period of two years after completion of any reimbursed course(s), he/she will reimburse the County for any amount reimbursed.
C. If the County's employee educational program is used in conjunction with any other scholarship, grant or other educational benefit, the County will consider reimbursement of covered costs remaining after application of payment from such other benefit source(s). The amount reimbursed by the County will be the portion of remaining costs, after other funding sources are applied, multiplied by 75%.

NOTICE OF APPEAL OF DECISION

I, _____ hereby appeal the decision of _____, made on or about _____ and communicated to me on or about _____.

Briefly state above elements of decision made and explain how it aggrieves and affects you, giving reasons.

_____ _____

DATE EMPLOYEE'S SIGNATURE

_____

DEPARTMENT

(Use this form – or similar style – to initiate an appeal of a decision. When properly completed, it should be presented to the Department Head and/or Division Director.)

Department of Human Resources
Frederick County, MD

COMPENSATORY TIME AGREEMENT

The employee whose name appears below agrees to the County Compensatory Time Rules. The rules (as stated in the Personnel Rules) provide:

A. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.

1. "Compensatory time" means time worked by a non-exempt employee in addition to the standard work hours in the regular work week for the particular position.

2. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.

3. For a non-exempt employee whose regular work week is 35 hours, compensatory time will be accrued on an hour-for-hour basis for hours worked above 35 in a week but less than 40 hours. For all employees, with the exception of Correctional Officers, Firefighters and Deputy Sheriffs, hours worked above 40 will be accrued on a 1 ½ hour-for-hour (time and a half) basis.

   (e.g. for a 35-hour employee)
   37 hours worked = 2 hours compensatory time
   42 hours worked = 5 hours + (2 hours x 1 ½) = 8 hours compensatory time

4. *Accumulation of compensatory time will be limited to the employee's regular work week (e.g. 35-hour employees will be limited to 35 hours, 40-hour employees to 40 hours). Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.

5. Before compensatory time may be approved or accrued, the employee must first sign a Compensatory Time Agreement (Appendix 2 in the Personnel Rules). The signed Compensatory Time Agreement will be kept in the employee's personnel file, in the Human Resources office.

Employee name – printed	Department
Employee Signature	Date
Supervisor Signature	Date

* Additional accumulation of compensatory time may be granted upon approval of the Division of Human Resources.

AFFIRMATIVE ACTION PLAN AND EEO POLICY

Resolution No. 87-19 as revised by
The Board of County Commissioners October 6, 1987

I. POLICY STATEMENT

To further its goal of Equal Opportunity in employment for all employees and prospective employees, and in the provision of all services, without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap (unrelated in nature and extent so as to reasonably preclude the ability to receive benefits from services or perform a job), (hereinafter referred to as protected groups)[1] the Board of County Commissioners of Frederick County, Maryland (hereinafter referred to as the "County") states as its policy the following concerning these subjects under its jurisdiction:

A. No person shall be discriminated against on the basis of race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap in accordance with applicable local, State, and Federal law.
B. It will be the policy of the County to recruit, hire, train, evaluate, and promote persons in all job titles without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap, except where any of these characteristics are a bona fide occupational qualification.
C. The principle of Equal Employment Opportunity will always be an underlying basis for employment decisions.
D. All personnel actions and employment services including, but not limited to, compensation, benefits, transfers, performance evaluations, layoffs, return from layoff, training programs, tuition assistance, and social and recreational programs will be made available to, provided, and administered without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.
E. All services will be publicized, made available to, and provided without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

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1 Hereinafter used to designate and define those groups who are protected under applicable law from discrimination due to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

Affirmative Action Plan and EEO Policy (continued)

The Board of County Commissioners has the ultimate responsibility for achievement of Equal Employment Opportunity in the County. The Director of Human Resources will manage the Plan. The Division Directors/Department Heads and Agency Directors shall implement the Plan and will be responsible to insure that all services are provided and that all employees and prospective employees are treated in a non-discriminatory manner in accordance with the Plan.

A quarterly reporting and monitoring system will be established to insure the success of the Plan.

The cooperation and support of all employees and County officials is required to assure Equal Employment Opportunity in all County facilities and assuring the non-discriminatory provision of services.

A complete text of the Affirmative Action plan may be obtained from the Human Resources Department.

POLICY – ANTI HARASSMENT

Frederick County Government is committed to creating a workplace free from harassment. It is a violation of this policy for a County employee, Supervisor, Department Head, Division Director, or Appointed/Elected official to harass another employee on the basis of age, race, color, religion, national origin, physical or mental disability, or marital status. Harassment will not be tolerated.

All complaints will be investigated in an objective, confidential, and timely manner. If an investigation confirms that harassment has occurred, the County will promptly take corrective action. Disciplinary action up to and including discharge may be imposed.

POLICY - SEXUAL HARASSMENT

(As adopted by the Board of County Commissioners February 25, 2003)

Frederick County Government is committed to creating a workplace free from sexual harassment of any form. It is a violation of this policy for any County employee, Supervisor, Department Head, Division Director or Appointed/Elected official to harass an employee through conduct or communications of a sexual nature as defined below.

I. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written, physical conduct, or material of a sexual nature by County employees, Supervisors, Department Heads, Division Directors or Appointed/Elected officials, when:

- submission to such conduct is either explicitly or implicitly a term or condition of employment.
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
- such conduct or material that has the purpose or effect of substantially interfering with the individual's employment performance or creates an intimidating, hostile or offensive employment environment.

II. Terms

Sexual harassment, as defined above, may include but is not limited to the following:

- Verbal harassment or abuse
- Pressure for sexual activity
  - Unwelcome, unwanted, unsolicited propositions
  - Demands for sexual advances and explicit sexual proposals
- Repeated communications to a person, with sexual or demeaning implications
  - Obscene or suggestive remarks, gestures, or jokes of a sexual nature, or about gender specific traits
- Unwelcome touching
  - Unwelcome and intentional physical behavior such as kissing, hugging, pinching, or brushing up against another individual
- Sending or displaying sexually explicit or suggestive material
  - Displaying or circulating photographs or other materials and objects that are sexually explicit or suggestive
  - Sending or viewing jokes, pictures, or other information by email or the Internet that is sexually explicit or suggestive

III. Procedures

A. Reporting Sexual Harassment

Complaints are to be reported immediately to any of the following at the employee's option: Supervisor, Department Head, Division Director, or any member of the Human Resource staff.

In the event the complaint involves a Division Director or appointed or elected official, the complaint may be made directly to the Human Resource Director, Assistant Human Resource Director, or the County Manager.

B. Investigating Complaints

All complaints will be investigated in an objective, confidential, and timely manner.

IV. Corrective Action

If an investigation confirms that harassment has occurred, the County will promptly take corrective action. Disciplinary action up to and including discharge may be imposed.

V. Confidentiality and Retaliation

The confidentiality rights of both the complainant and the accused will be respected consistent with the County's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Retaliation of any kind against anyone who is involved in the investigation of or in the making an allegation of sexual harassment is prohibited and may result in disciplinary action against the retaliator.

VI. False or Malicious Reports

Disciplinary action also may be imposed if the County determines that a false or malicious complaint was made under this policy.

ETHICS

There is an Ethics Ordinance in Frederick County, contained in Chapter 1-7.1 of the Frederick County Code, that covers all County employees and officials.

The Ordinance prohibits County employees and officials from engaging in acts that would be a conflict of interest under the Ordinance. The conflict of interest provisions preclude employees and officials from the following: (1) acting for the County in matters where they or a qualified relative has an interest; (2) being employed by or having an interest in an entity subject to the authority of their Division or agency or that has a contract (or is negotiating a contract) with their Division or agency; (3) holding an employment relationship that would impair their impartiality or independence of judgment; (4) intentionally using the prestige of their office or public position for their private gain or the private gain of another; (5) soliciting or accepting gifts, with certain exceptions, from any person known to be seeking to do business with or doing business with their Division or agency; a person having a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance of the employee's or official's duties; a person engaged in an activity regulated or controlled by the employee's or official's governmental unit; or a lobbyist with respect to matters within the jurisdiction of the employee or official; (6) soliciting or facilitating the solicitation of a gift for another person from a regulated lobbyist; and (7) disclosing confidential information for their economic benefit or the economic benefit of another person.

It is also a conflict of interest to act on the County's behalf in any matter in which any of the following is a party: (1) a business entity in which the employee or official has a direct financial interest; (2) a business entity in which the employee, official or a qualified relative is an officer, director, trustee, partner or employee; (3) a business entity with which the employee, official or qualified relative is negotiating employment; (4) a business entity that has a contract with the employee, official or qualified relative that can be expected to result in a conflict of interest; (5) an entity that does business with the County, in which a direct financial interest is owned by another entity in which the employee or official has a direct financial interest; and (6) a business entity that is a creditor or obligee of the employee, official or qualified relative and is in a position to substantially affect the interest of the employee, official, or qualified relative,

The Ordinance also prohibits former employees and officials from assisting or representing a party other than the County for compensation in a matter involving the County if that matter is one in which the former employee or official significantly participated as an employee or official. Also, except in a judicial or quasi-judicial proceeding, employees and officials are not allowed to assist or represent a party for contingent compensation in any matter before or involving the County.

The Ordinance requires designated County employees and officials to file financial disclosure statements on an annual basis. These statements must include disclosure of certain gifts received from persons who have contracts with

ETHICS (continued)

the County or are regulated by their agency. Finally, the Ordinance requires lobbyists who intend to influence an employee or official in the performance of that person's official duties and who meet certain tests to register with the Ethics Commission.

There is a five member Frederick County Ethics Commission, which administers the Ordinance and provides opinions concerning its provisions. The Ethics Commission may issue cease and desist orders, issue reprimands, and recommend that disciplinary action be taken. Failure to comply with a cease and desist order may lead to a fine of up to $5,000 for each day on which the violation occurs.

The full text of the Ordinance is available on the Ethics Commission's website at http://www.frederickcountymd.gov/documents/243/260/Ordinancerevised%20October%202011.PDF

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